



***Town of Tyngsborough  
Conservation Commission***

25 Bryants Lane  
Tyngsborough, Massachusetts 01879-1003  
Office: (978) 649-2300 ext. 116  
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Minutes  
June 12, 2012  
**APPROVED**

**Present:**

**BM:** Brian Martin      **JE:** Jerry Earl      **LG:** Lucy Gertz      **ES:** Ed Smith      **JK:** Jeff Kablik  
**LB:** Linda Bown      **MM:** Matt Marro

**Absent:**

**JN:** John Nappi      **ES:** Ed Smith      **MM:** Matt Marro

**Attachments:**

1. Agenda
2. 7 & 9 Farwell Rd. RDA Application – 5/4/2012
3. 100 Business Park Dr. Director's Determination – 5/16/12
4. 21 Diaz Dr. Director's Determination – 5/16/12

**7:00pm**      BM opened meeting

**7:02pm**      **7 & 9 Farwell Rd. (M20, P57A & 56A, L0) – Request for Determination of Applicability** to determine whether or not the property is subject to the jurisdiction of the Wetlands Protection Act and the Tyngsborough Wetlands Protection ByLaw.

**JK:** Motion to waive the reading of the abutters list and legal notice.

**LB:** 2<sup>nd</sup> the motion

**In Favor: 4   Opposed: 0   Absent: 3**

**Passes: 4-0-3**

Property owner Carol Lindahl appeared before the Commission and explained that the property in question is undeveloped and is paying a considerable amount of taxes on it. She wishes to sell the property in order for development. Unfortunately during her investigations, it appeared that the lots would not be developable due to the presence of a significant wetland system that dominates the property. With this information Ms. Lindahl appealed to the Tyngsborough Assessor's Department for a real estate tax abatement, but was denied due to the lack of documentation that supports the claim that the presence of wetlands prohibits any development of the property.

MM did a thorough inspection of the property through site walks and utilizing the Tyngsborough GIS tools and Pictometry system. He reported that his inspection yielded a determination that the property is approximately 95% wetlands. Therefore, he recommends a Positive Determination which means that the property in question is subject to the jurisdiction of the Wetlands Protection Act and the Tyngsborough Wetlands Protection Bylaw. There were two abutters present at the hearing who confirmed MM's observations and Ms. Lindahl's

explanation as they have lived next to the property for many years and have known about the difficulties the property owner has had selling the property due to the wetlands.

The Commission clarified that any work on the property would need to be permitted by the Conservation Commission and Mass DEP.

**JK:** Motion to close the hearing.

**LB:** 2<sup>nd</sup> the motion

**In Favor: 4 Opposed: 0 Absent: 3**

**Passes: 4-0-3**

**JK:** Motion to issue a Positive Determination of Applicability for 7 & 9 Farwell Rd.

**LB:** 2<sup>nd</sup> the motion

**In Favor: 4 Opposed: 0 Absent: 3**

**Passes: 4-0-3**

**7:15pm 100 Business Park Dr. (M12, P13, L0) – Request for Determination of Applicability** for the removal of invasive species, and other storm damaged trees and debris.

**JK:** Motion to waive the reading of the abutters list and legal notice.

**LB:** 2<sup>nd</sup> the motion

**In Favor: 4 Opposed: 0 Absent: 3**

**Passes: 4-0-3**

Property owner Haywood Schmidt appeared before the Commission to explain that after the October storm there was a considerable amount of debris that needs to be removed, which includes a large willow tree. However, the willow tree is located in the fire pond which is considered a wetland. MM reported that it the work is a maintenance function that is allowable, and recommended a negative determination. There were no abutters present to speak on this hearing.

**LB:** Motion to close the hearing.

**JK:** 2<sup>nd</sup> the motion

**In Favor: 4 Opposed: 0 Absent: 3**

**Passes: 4-0-3**

**JK:** Motion to issue a Negative Determination of Applicability for 100 Business Park Dr.

**LB:** 2<sup>nd</sup> the motion

**In Favor: 4 Opposed: 0 Absent: 3**

**Passes: 4-0-3**

## **Director's Determinations:**

### **21 Diaz Dr. – 18' round above ground pool**

MM reported that the pool would be placed approximately 75' from the wetlands, but would not impact the wetlands.

**LB:** Motion to approve the Director's Determination for 21 Diaz Dr. MM should educate the homeowner regarding the best filtration system to use in order to protect the wetlands.

**JK:** 2<sup>nd</sup> the motion

**In Favor: 4 Opposed: 0 Absent: 3**

**Passes: 4-0-3**

## **Discussion**

### **Sherburne Nature Center Boardwalk Project Update**

LG reported that there was no new information to report and perhaps MM could talk to Michael Gilleberto for an update on the bid.

### **Steinbeck St. – Walter Eriksen**

PB reported that Mr. Eriksen was unavailable to attend tonight's meeting due to a prior commitment. BM suggested that MM contact Mr. Eriksen, Brian Milisci and the abutter, Mr. Marks to arrange a meeting where they can discuss the issues that need to be addressed by Mr. Eriksen.

## **Administrative:**

**LB:** Motion to approve the minutes from the May 22, 2012 meeting.

**LG:** 2<sup>nd</sup> the motion

**In Favor: 4 Opposed: 0 Absent: 3**

**Passes: 4-0-3**

## **8:50pm**

**LB:** Motion to adjourn

**LG:** 2<sup>nd</sup> the motion

**In Favor: 4 Opposed: 0 Absent: 3**

**Passes: 4-0-3**

Respectfully for the Conservation Commission,

Pamela Berman  
Administrative Assistant